IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 6466 of 2007(T)

PETITIONER:

JISNAMOL.A.A., ALINAPARAMBIL HOUSE,
KAITHARAM, NORTH PARUR.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS:
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1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM, REPRESENTED BY THE SECRETARY.

2. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, ERNAKULAM.

BY GOVERNMENT PLEADER SMT. N.SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 6466/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE JUDGMENT OF THE STAT IN MVAA NO. 748/2006 DT. 5/12/2006.

EXT.P2. COPY OF THE PROCEEDINGS OF THE R1 DT. 20/12/2006.

EXT.P3. COPY OF THE PROCEEDINGS OF THE R1 GRANTING REGULAR PERMIT ON THE ROUTE CHATHANAD- ERNAKULAM KALOOR BUS STAND DT. 28/3/2006.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 6466 OF 2007-T

JUDGMENT

The petitioner applied for a regular permit on the route Chathanad – Ernakulam Kaloor Bus-stand. The said application was rejected by the R.T.A., Ernakulam, by order dated 18.7.2006. On appeal, the S.T.A.T reversed the said decision and directed to grant the permit, subject to settlement of timings, by Ext.P1 judgment. The R.T.A reconsidered the matter and adjourned it, for filing an appeal against Ext.P1. This Writ Petition is filed, seeking a direction to the 1st respondent to implement Ext.P1.

2. There is no appeal against Ext.P1 judgment under the statute. Further, the original authority cannot be said to be aggrieved by the decision of the appellate authority, for the reason that its decision faced reversal at the hands of the appellate authority. The reason given in Ext.P2 for not obeying the direction of the S.T.A.T in Ext.P1 judgment, is plainly untenable. Accordingly, the 1st respondent is directed to grant the permit as ordered by the S.T.A.T., as expeditiously as possible, at any rate, within two months from the date of production of a copy of this judgment. But, this

will not affect the right of the Government to challenge Ext.P1 in appropriate proceedings, if so advised.

The Writ Petition is disposed of as above.

5th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/-